

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte YASUHARU AOKI  
and TETSUYA SANO

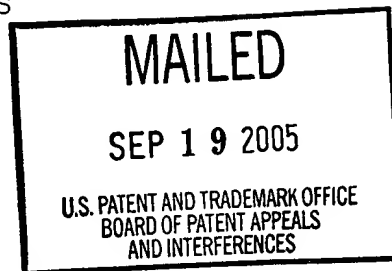
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Application No. 09/588,344

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on August 11, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

A review of the Examiner's Answer, mailed March 25, 2005, reveals an inconsistency between the headings entitled, "Prior

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Art of Record" and "Grounds of Rejection." Under the heading "Prior Art of Record," the examiner identifies references that were not used to support the examiner's Final Rejection, mailed December 23, 2003. In the Examiner's Answer, regarding the heading entitled "Grounds of Rejection," the examiner identifies two references, "Jebens et al.", U.S. Patent No. 6,321,231 and "Aldus Corporation, OPI™ Open Prespress Interface Specification." These two references were used to support the examiner's Final Rejection of claims 1-3, 5-8, 10-22, 24, 28 and 33 under 35 USC § 102(e) and claim 23 under 35 USC § 103(a). However, these two references were not cited as being relied upon under the heading of "Prior Art of Record."

Accordingly, it is

**ORDERED** that the application is returned to the examiner for inclusion of the reference "Jebens et al.", U.S. Patent No. 6,321,231 and "Aldus Corporation, OPI™ Open Prespress Interface Specification, under the heading of "Prior Art of Record," remailing of the Examiner's Answer and any further action as deemed appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
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